

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

UNITED STATES OF AMERICA

v.

No. 4:22-CR-213-P

DAVID DEVANEY, JR. (02)

UNOPPOSED MOTION TO CONTINUE SENTENCING HEARING

For the reasons that follow, Defendant David Devaney Jr. files this unopposed motion to continue his sentencing hearing for at least **30 days**:

On November 1, 2022, the Court conducted a stipulated bench trial where the defendant stipulated that there were sufficient facts to find him guilty of the *lesser included offense* of Count 1 in the superseding indictment. (Doc. 125; 126.) The Court accepted this stipulation and found the defendant guilty of a 5 – 40 drug offense, pursuant to 21 U.S.C. § 841(a)(1) and (b)(1)(B). (Doc. 126.) On January 18, 2023, the defendant timely filed his objections to the presentence report. (Doc. 160.) This case is set for sentencing on March 2, 2023 at 9:00 am. Brian Poe, co-counsel of record for the defendant, is scheduled to be in trial in front of Chief Judge Barbara Lynn in cause number 3:21-CR-440-M—*United States v. Grisham et al.* This trial is expected to last at least two weeks.

As a result, the Defendant respectfully requests that his sentencing hearing be continued for at least **30 days**.

Respectfully submitted,

/s/ Matthew Smid
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CERTIFICATE OF CONFERENCE

I also certify that on February 1, 2023, I have conferreded with Assistant United States Attorney Shawn Smith regarding this motion and AUSA Smith stated he is not opposed to a 30 day continuance.

/s/ Matthew Smid
MATTHEW SMID

CERTIFICATE OF SERVICE

I certify that on February 1, 2023, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to all attorneys who have consented in writing to accept this Notice as service of this document.

/s/ Matthew Smid
MATTHEW SMID